

D-R-A-F-T
STILLWATER COUNTY PLANNING BOARD
MINUTES OF MEETING

Wednesday, August 4, 2010 at 7p.m.
Stillwater County Annex Planning Department
809 E. 4th Avenue N., Suite C

BOARD MEMBERS PRESENT: Larry Gee (President), Cynthia Colbert (Vice-President), Adelbert Eder, Allen McMillen, Alvin Stadel, Clinton “Clint” Teegardin, Bob Van Oosten.

BOARD MEMBERS NOT PRESENT: Jon Bourassa and Linda Halstead-Acharya

STAFF: Forrest Mandeville and Marissa Plumb

OTHERS: Dee Anderson, Fred Anderson, George Bokma, Ed Jones, Tom Kelly with North Star Land Services, Barb McKay, Tom O’Tremba, Tim Torgerson, and Kurt Von Neida, developer. The sign in sheet is attached.

I. CALL TO ORDER: President Gee called the meeting to order at 7 p.m..

II. MINUTES APPROVAL. Cynthia noticed an error on page 2 section V part C where the Stillwater River road was mentioned and it needs changed to the Nye Road. Bob made the motion to approve the May 5, 2010 meeting minutes with the correction noted by Cynthia. Clint seconded; with all in favor motion carried.

III. NEW BUSINESS:

A. Falcons’ Ledge Subdivision-Public Hearing.

Before the subdivision presentation began Cynthia disclosed that she, as a realtor, had property on the market that was adjacent to this subdivision, but that it did not affect her ability to review the subdivision in a fair and unbiased manner.

1. Presentation by developer-Kurt Von Neida and Tom Kelly. Tom is the surveyor and spoke on behalf of Mr. Von Neida. Tom said he would give the presentation in two phases, one being an overview of the proposed subdivision regarding the 16 lots and the covenants and restrictions (C & R), and phase two would consist of the Department of Environment Quality (DEQ) application.

Tom began by describing the vicinity location of the subdivision and then went into the legal description. The subdivision was designed around the Von Neida’s cabin that currently resides on Lot 6 of the proposed subdivision. The topography of the land where it proposed to be divided is fairly flat. Soil is clay loam in the first 2-4 feet and then it is sand and river rock underneath that. Test holes for wells were dug and all were dry until spring. Even at that time only a couple lots had any water in the test holes. Current wildlife seen on and around the property consists of whitetail deer, mule deer, small mammals, bear (occasionally every few years), and a pair of falcons. Please refer to the plat for the water ditches, proposed walking easements, and utility easements. Lots 2 through Lot 11 located on the Stillwater River have about 175 to 185 feet worth of river frontage. Lot 1 and Lot 12 only have about 20 to 40 feet of river frontage. Lots 13 through 15 have no river frontage. Lot 16 contains Mr. Von Neida’s residence.

Next Tom went over the covenants. There will be no building permitted inside the 100 year floodplain, there will be no cutting down of any trees on any lot unless it's a hazard, no reflective metal roofing material can be used, no artificial fencing materials can be used, a screen must shield all recreational vehicles, and open fires will not be allowed. Once Falcon's Ledge is subdivided the new landowner's of each lot may not subdivide any further. There will be a set-back on each lot of 20 feet from the lot lines. A detail list is available in the C & R. This subdivision will be governed by a Home Owners Association (HOA) once it is built. The developer also contacted the Historical Society regarding the property to see if anything was of historical value. The Historical Society didn't find anything with any historical value on the property.

There was an LEPC meeting the morning of August 4 and they approved the name Falcons' Lane for the subdivision's private road. Location of the road is on the plat and it will be built to County standards. The private road is the only access to lots 1 through 15 in the subdivision. Service provider information, regarding their ability to service the subdivision, is available at the Planning office. There will be a 30,000 gallon dry hydrant located on Lot 6 that will service all lots in case of a fire emergency.

Tom noted that after speaking the Assessor's offices, they believe that taxes for each lot will be around \$770 and normally about 1 percent of the house that is built on that lot.

The second phase of Tom's presentation was regarding the DEQ application. He noted there were no nitrates found in the water and after his calculations the aquifer can support the subdivision. Please refer to the Lot Lay-Out Plan of the subdivision's DEQ application for each lots percolation test areas, locating the floodplain, drainage areas, and mixing zones. All calculations that have been done support the fact that the subdivision will not adversely affect the ground water or the Stillwater River. The DEQ application can be turned in after the Board of County Commissioners grants approval to the subdivision, because a letter from the Board needs to be submitted with the application.

Tom and the Developer said they will address all of the 14 initial recommended conditions of approval made by the Planner 1 to the Planning Board. Tom also acknowledged that Mr. Von Neida will be getting an irrevocable line of credit from a bank in order for him to make his improvements within one year of the filing of the subdivision.

Bob wondered if the reason for the water in the test holes was because of irrigation on the higher elevation properties. Tom replied that they found it to be in relation to the increase and decrease of water flow in the Stillwater River rather than the run off of irrigation in the high elevation.

2. Public hearing opened. President Gee opened the public hearing. Forrest informed the Board that a few of the adjacent landowners had contacted him regarding covenants, septic, number of lots proposed being too many, and the number of buildings permitted on each lot. Names and notes from these conversations can be found in the Planning office. There was a letter written by Jerry Larson that was read by Forrest because Jerry lives in Washington and was unable to be present. That letter is attached. Ed Jones, also an adjacent landowner, brought a packet with signatures of eleven of the other adjacent landowners that he was representing (see attached). Mr. Jones is a retired architect with over fifty years of experience and has taken on the task of reviewing the subdivision. Mr. Jones wanted to voice a few concerns that he had. He wanted to know which office of DEQ the submittal was going to. Tom said the Billings office not Helena. Mr. Jones said they would like to see the number of lots in the subdivision reduced by two to be consistent with the lots across the river. He also stated that the lot

sizes are much smaller than the other lots across the river. Lastly, Mr. Jones noted that small river front footage compared to the lots across the river. Overall, Mr. Jones and the other landowners he represents want to make sure that the DEQ regulations are met. Tom assured them that DEQ will go over every calculation that he has done and he guarantees that the regulations will be met with this subdivision. Forrest stated that is Board cannot override DEQ's findings nor can the Board of County Commissioners (BOCC). Mr. Jones asked if there was a regulation on construction time, if there could be a two story height limit on houses, and if there can be a limit on the number of security lights that can be installed. Bob responded after looking at the C & R that construction must be done within 18 months of starting the building process. Mr. Von Neida said that he had no problems with adding a two story height limit or adding restrictions on the number of security lights that can be installed to the C & R.

3. Public hearing closed. President Gee asked for any other public comment. With no additional comments from the public, President Gee closed the public hearing.

4. Overview by the Planner. Forrest read his recommended conditions of approval to the Board. Please refer to the attached Recommendations to the Planning Board. Forrest stated that he would like to add to his recommended conditions of approval after hearing comments that had been made during the hearing. Those are as follows: Show fire protection facility easement on final plat. Address County Weed Department's Noxious Weed Management Plan in Subdivision Improvements Agreement, and pay associated \$100 fee. Show power easements to the Von Neida residence and on Lot 12 on final plat. Show no access easement strip along Stillwater River Road on final plat. In covenants, restrict outside lights and limit buildings to two stories.

5. Board Discussion. Clint asked if the private road to the subdivision needed to be paved. Forrest said no because the Stillwater River Road that leads to the subdivision is not a paved road. Cynthia asked if there could be building envelopes. Tom responded by saying there is only two places where the buyers can build due to the drainage areas and also not affection the 100 year floodplain. They can either build close to the road or by the river so there is no need to incorporate building envelopes when there is already limited build space. Bob and Alvin questioned the permitted guests houses and distances between the structures. Tom said that the guest house can only be sleeping quarters. They cannot contain sewer access. Stated previously, there is not much room on the lots due to drain fields and mixing areas so building area is limited. Cynthia wanted to make sure that this subdivision does comply with the 2010 Subdivision Regulations. Forrest assured the Board that it does.

6. Board recommendations. Refer to recommendations 1-19 in the Recommendations to the BOCC.

Bob moved to motion that Falcons' Ledge Subdivision be conditionally approved with the 19 conditions previously discussed. Adelbert seconded; with all in favor, motion carried.

B. Conservation Easement (MSU Foundation/Montana Land Reliance). Forrest gave an overview of the easement being asked for by Lois Delger-DeMars of Montana Land Reliance which is leased be Montana State University (MSU). The first time this easement was done it was done "sloppily" and the owners would like it cleaned up. For example, Ms. Delger-DeMars' organization would like to see more restriction regarding the buildings on the property. The land is currently a working ranch run by MSU where they run sheep and livestock about 6-8 months of the year. Forrest informed

the Board that they are not to approve anything with this easement, but the purpose is just to inform the Board of what is going on, and to seek any comments the Board may have. Forrest will write a letter to Ms. Delger-DeMars stating that the Board is aware of the easement and has no comments on it.

IV. UNFINISHED BUSINESS:

A. Planning For Value.

1. Rapelje Interchange. President Gee brought up an interest in the interchange that had been proposed for I-90 at the Rapelje Road overpass. President Gee mentioned that it was talked about informally at the Chamber of Commerce meeting this week and he would like to see something happen. He believes it would bring traffic into the downtown area of Columbus as well as give the opportunity for the Rapelje community to grow. Forrest informed the Board that the City-County Planning Board has looked into this topic. The City-County Board wrote a letter to the Montana Department of Transportation (MDT) and they said that they had no record of the proposed interchange being a State funding project. The State did purchase the land for an interchange years ago but now is saying that they have no record of the land deal where it was purchased for an interchange. The State now will not take financial responsibility for the interchange and responsibility for finding funding for the project would have to come from the County and/or the Town of Columbus. Letters were sent to the Town and the County and both returned letters stating that they had no desire at this point to take financial responsibility for a project of that size. The Town also noted in the letter that they did not feel this was a Town issue, as it is in the County's jurisdiction. It is possible that the Town could file to become a City which would allow it to expand its zoning jurisdiction. At this time both the Town and the County are not interested in making this a priority.

Forrest mentioned that there are grant opportunities for projects like this and Melissa Kramer the Economic Development Coordinator would be willing to help find funding resources. Forrest also gave an example in Billings of Zoo Drive being part of a zoning over-lay and tax various districts where residents of Billings paid to have that interchange built. It is probably unlikely that the County residents would take on that responsibility but it is a possibility along with grants that may be available. The Board commented that it would be a worthwhile topic to look further into. This will be discussed at a future meeting.

2. Child Friendly Incentive. Cynthia brought up a conversation that she had previously had with a lady that is part of the Child Friendly Incentive. The goal of this committee is to make decisions for communities with the area youth in mind. Cynthia would like to see this County start looking into projects that would benefit the youth in our communities and possibly start using the fees that are currently being taken in for Park fees during subdivision processing. The Board will discuss options at a future meeting.

OTHER:

A. Lincoln Powers. Bob gave an update regarding the Rosebud Preserve which is now owned by James Stampfel. Mr. Stampfel submitted an application on an adequate

bridge that will be accepted by the Conservation District. Forrest said that Mr. Stampfel is coming up on the 3 year expiration of the subdivision and will need to file for an extension and pay the fee, or begin the subdivision process from the beginning.

B. Real Estate Update. Board discussed how land sales they had observed in the southern part of the County.

V. ADJOURN: Allen moved to motion that the meeting be adjourned, Cynthia seconded; with all in favor motion carried. The meeting was adjourned at 8:59 p.m..

The next meeting will be on Wednesday, September 1, 2010 at 7p.m. at the Stillwater County Annex Planning Department office located at 809 E. 4th Avenue N., Suite C.

Marissa Plumb
Administrative Assistant